

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

The *pro se* plaintiff is a pretrial detainee at the Greenville County Detention Center being held on state criminal charges. He initiated this action pursuant to 42 U.S.C. § 1983 contending that he contracted a staph infection at the facility.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss the complaint. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

In the Report, the Magistrate Judge correctly suggests that the defendant, the Greenville County Detention Center, should be dismissed because it is not a “person” subject to suit under 42 U.S.C. § 1983. The Magistrate Judge also opines that the plaintiff has failed

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

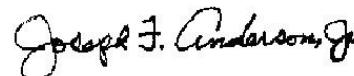
to show deliberate indifference with respect to his medical treatment.

Although the plaintiff filed a response to the Report and Recommendation, he did not provide any objections to the Report. Rather, the plaintiff asked the court for leave to name three new individual defendants, and proposed a new request for injunctive relief and damages. To the extent the plaintiff seeks to now amend his complaint, such request is denied. As the Magistrate Judge notes in the Report, even if the plaintiff had named a proper party defendant, no deliberate indifference can be shown in his allegations.

After a careful review of the record, the applicable law, and the Report, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

September 10, 2009
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge